

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LEROY LYONS,

Petitioner,

Case Number: 2:10-CV-11386

v.

HONORABLE VICTORIA A. ROBERTS

BLAINE LAFLER,

Respondent.

ORDER DENYING CERTIFICATE OF APPEALABILITY
FROM THE COURT’S JULY 2, 2018 ORDER

The Court denied Michigan prisoner Leroy Lyons’ habeas corpus petition in 2012 and denied a certificate of appealability. (Dkt. # 24) The Sixth Circuit Court of Appeals also denied a certificate of appealability. (Dkt. # 45) The matter is now before the Court on remand from the Sixth Circuit Court of Appeals for a determination whether to grant or deny a certificate of appealability with respect to the Court’s July 2, 2018 Order. *See* 11/7/2018 Order, *Lyons v. Winn*, No. 18-1882.

On July 2, 2018, the Court denied Petitioner’s “Motion for Reconsideration, Request for Appointment of Counsel” (Dkt. # 69), “Motion for the Court to Find the Michigan Attorney General, Bill Schuette, Esq. and Raina Korbakis, Asst. Attorney General in Civil Contempt” (Dkt. # 70), and “Motion for Evidentiary Hearing” (Dkt. # 71). Before Petitioner may appeal the Court’s decision denying his motions, a certificate of appealability (COA) must issue. 28 U.S.C. § 2253(c)(1)(B)). A COA may be issued

“only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 483 (2000). Petitioner must “demonstrate that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” *Slack*, 529 U.S. at 483. “A prisoner seeking a COA must prove something more than the absence of frivolity or the existence of mere good faith on his or her part.” *Miller-El v. Cockrell*, 537 U.S. 322, 338 (2003) (internal quotations omitted).

For the reasons set forth in the Court’s July 2, 2018 Order, the Court finds that reasonable jurists would not debate the Court’s resolution of Petitioner’s motions. The Court DENIES Petitioner a certificate of appealability.

SO ORDERED.

S/Victoria A. Roberts
VICTORIA A. ROBERTS
UNITED STATES DISTRICT JUDGE

DATE: November 13, 2018